

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

Comcast of Massachusetts III, Inc.

Complainant,

v.

D.T.C. 14-2

Peabody Municipal Light Plant and Peabody
Municipal Lighting Commission

Respondents.

COMCAST'S RESPONSE TO THE DEPARTMENT'S PROPOSED SCHEDULE

Comcast of Massachusetts III, Inc. ("Comcast") hereby responds to the Department's proposed schedule issued on May 13, 2014 for the captioned proceeding. Consistent with its Answer to the Petition to Intervene of the Ashburnham Municipal Light Plant, Comcast respectfully requests that the Department rule on the following threshold legal issue (the "Legal Issue") before discovery and evidentiary hearings take place:

Are utilities in Massachusetts bound by the Massachusetts Formula, as set forth in D.P.U./D.T.E. 97-82, *Cablevision of Boston Company, et al. v. Boston Edison Company*, 1998 WL 35235111 (April 15, 1998) and D.T.E. 98-52, *A-R Cable Services, Inc., et al. v. Massachusetts Electric Company* (Nov. 6, 1998), in establishing their maximum permitted pole attachment rates?

Comcast asserts that a Department ruling on the Legal Issue will streamline discovery and the evidence needed to be presented to the Department in this matter and also will likely

increase the likelihood that the parties can settle the matter without the need for discovery, evidentiary hearings and an ultimate Department determination on factual issues in this matter.

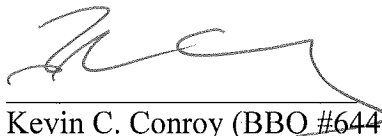
Accordingly, Comcast proposes the following schedule for the proceeding:

- May 28, 2014 -- parties submit status reports on settlement discussions on the Legal Issue
- May 30, 2014 – all parties file initial briefs on the Legal Issue
- June 11, 2014 – all parties file reply briefs on the Legal Issue
- June 27, 2014 – Department issues decision on the Legal Issue
- June 30, 2014 – Discovery period opens between Comcast and Peabody Municipal Light Plant (PMLP)
- July 18, 2014 – Last Day to Issue Discovery
- Department can establish evidentiary hearings and briefing schedule based on issues remaining in proceeding
- October 15, 2014 – Last Day for Department to issue final Order. Comcast will support a waiver of 220 CMR 45.08 to allow an additional 30 days for the Department to issue an Order in this proceeding consistent with the 30 day extension that PMLP was granted to respond to Comcast's complaint.

Based on the foregoing, Comcast respectfully requests that the Department adopt

Comcast's proposed schedule.

Respectfully submitted,



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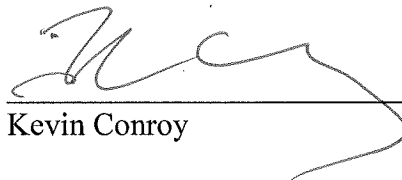
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Attorneys for Comcast of Massachusetts III, Inc.

Dated: May 13, 2014

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2014, I served the foregoing Comcast's Response to the Department's Proposed Schedule by personal delivery and first-class U.S. Mail to the attached Service List in accordance with the requirements of 220 CMR 1.05.



Kevin Conroy